

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 119
Trenton, New Jersey 08625
Attorney for New Jersey Department of Labor
Division of Unemployment and Disability Insurance

By: James M. Bennett
Deputy Attorney General
(609) 984-2901

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
VICINAGE OF TRENTON

In Re: ROBERT J. BODTMANN ***-**-4738
and CYNTHIA M. BODTMANN ***-**-4663
Debtors

<hr/>		Case No.: 05-20980-KCF	
		Adversary Proceeding No.:	-KCF
NEW JERSEY DEPARTMENT OF LABOR,	:	Chapter 7	
DIVISION OF UNEMPLOYMENT AND	:		
DISABILITY INSURANCE,	:		
	:		
Plaintiff,	:	COMPLAINT SEEKING TO	
v.	:	DETERMINE	
	:	DISCHARGEABILITY	
ROBERT J. BODTMANN	:	OF DEBT	
	:		
Defendant.	:		
<hr/>			

Plaintiff, New Jersey Department of Labor, Division of
Unemployment and Disability Insurance, ("NJ Labor") through its

Attorney, Peter C. Harvey, Attorney General of New Jersey (by James M. Bennett, Deputy Attorney General), says:

1. This complaint is filed by the NJ Labor to determine whether the debt owed to the NJ Labor is nondischargeable pursuant to 11 U.S.C. § 523(a)(2). The court has jurisdiction under 28 U.S.C. § 1334. This matter is a core proceeding under 28 U.S.C. § 157(b)(2)(I).

2. Between the compensable week ending February 5, 2000 and the compensable week ending July 15, 2000, Robert J. Bodtmann, debtor by means of willful misrepresentation obtained unemployment compensation benefits from NJ Labor in the amount of \$5,500.00, in violation of N.J.S.A. 43:21-16.

3. After notice and a hearing, the NJ Labor sought a refund of the overpayment of unemployment benefits in the amount of \$6,875.00 including penalty in the amount of \$1,375.00. A copy of the notice of determination is attached as Exhibit A.

4. The NJ Labor entered a judgment in the New Jersey Superior Court by filing a Certificate of Debt pursuant to N.J.S.A. 43:21-14 and 43:21-16 on December 9, 2002. The docket number of the judgment is DJ-288,955-2002. A record of that judgment is attached here as Exhibit B.

5. Defendant has received credit for \$2,415.00 applied towards principal. Exhibit C. There is now due the sum of \$4,609.40 plus interest from June 10, 2005. Exhibit C.

6. The amount due is a debt for money obtained by fraud and false representation within the meaning of 11 U.S.C. § 523 (a)(2) in that the debtor represented that he was unemployed and eligible for benefits when in fact he was employed and ineligible for benefits.

WHEREFORE, NJ Labor requests the following relief from this Court:

(a) determine that the debt(s) owed by defendant-debtor, Robert J. Bodtmann, to the NJ Labor, is nondischargeable;

(b) enter judgment in favor of the NJ Labor, and against defendant Robert J. Bodtmann, in the sum of \$4,609.40 as of June 10, 2005, plus interest from that date forward less any further credits to which the defendant may be entitled after June 10, 2005;

(c) and grant any further relief as is just and equitable.

DATED: June 18, 2005

PETER C. HARVEY
Attorney General of New Jersey

By: /s/ James M. Bennett
James M. Bennett
Deputy Attorney General

STATE OF NEW JERSEY
DEPARTMENT OF LABOR
PO BOX 951
TRENTON, NJ 08625-0951

**DETERMINATION AND DEMAND FOR REFUND OF
UNEMPLOYMENT BENEFITS AND IMPOSITION
OF PENALTY AND DISQUALIFICATION BECAUSE
OF WILLFUL MISREPRESENTATION**

ROBERT BODTMANN
208 PARK PLACE AVE
BRADLEY BEACH NJ
07720

SOCIAL SECURITY NO. 147-66-4738
DATE OF CLAIM 01/30/00
PROGRAM CODE 10

LOCAL OFFICE NO. 953
DATE OF MAILING 04/25/02
TOTAL DEBT 6,875.00

1. You were not eligible for the unemployment benefits listed on the back of this form because:

YOU WERE EMPLOYED BY MONMOUTH MAINT SERVICE

2. These benefits were obtained through false or fraudulent misrepresentation and must be returned. The following penalties are imposed in accordance with N.J.S.A. 43:21-5 and 43:21-16d:
- a. You are disqualified for benefits for a period of one year from the date of mailing shown above.
 - b. You are liable for a fine of \$20 for each week you were paid benefits, or 25 percent of the total amount whichever is greater. The total amount of your fine is \$ 1,375.00
 - c. Your matter may be referred to the Division of Criminal Justice for prosecution.
3. Any money collected improperly must be returned regardless of the reason for the overpayment in accordance with N.J.S.A. 43:21-16(d). The return of benefits does not preclude criminal prosecution in those cases where prosecution is deemed warranted. The return of benefits does not preclude criminal prosecution in those cases where prosecution is deemed appropriate.
4. **Appeal Procedure:** Any appeal from this determination must be submitted in writing to the address listed above. Your appeal must be received or postmarked within seven calendar days after delivery or within ten calendar days after the mailing of the determination. The appeal period will be extended only if good cause for late filing is shown. For additional information or assistance about filing an appeal, call (609) 292-0030.

Procedimiento Para Apelar: Toda apelación debe hacerse por escrito y enviada por correo a la dirección indicada arriba. Su apelación tiene que ser recibida dentro de siete días a partir del día en cual recibió esta notificación o estampada por el correo dentro de diez días a partir de la fecha en cual esta determinación fue enviada. El tiempo proveído para apelaciones, no será extendido a menos que Ud. nos pueda comprobar una buena razón por tal tardanza. Para mas información o asistencia con su apelación, favor de llamar al (609) 292-0030.

Si no habla Ingles por favor pida que le traduzcan este formulario inmediatamente.

5. **Repayment Options:**

- a. Full Payment Option: Make your check or money order payable to: "NJ Employment Security Agency" - include your social security number - do not send cash. Mail to the address above.
- b. Installment Option: Call 609-292-0030 or write to the above address to make arrangements.

6. **Failure to Pay - Collection Procedures:**

- * In all cases, future benefits you may be eligible for will be used to offset any outstanding principal overpayment in accordance with N.J.A.C. 12:17-14.3.
- * Any money due you from a NJ Income Tax Refund or Homestead Rebate may be utilized to repay this debt.
- * A Certificate of Debt (COD) may be filed with the Superior Court of New Jersey. Once a COD is docketed, interest will be added to the debt amount.



SCHEDULE OF OVERPAYMENTS

147-66-4738

10

1/30/00

ROBERT BODTMANN

WEEK ENDING	BENEFITS PAID	WAGES EARNED	GARNISHMENT WITHHELD	INCOME TAX WITHHELD	AMOUNT OVERPAID
2/05/00	250	52.00	70.00	.00	250.00
* 2/12/00	250	50.00	70.00	.00	250.00
2/19/00	250	59.00	70.00	.00	250.00
2/26/00	250	59.00	70.00	.00	250.00
3/04/00	250	59.00	70.00	.00	250.00
3/11/00	250	59.00	70.00	.00	250.00
3/18/00	250	59.00	70.00	.00	250.00
3/25/00	250	59.00	70.00	.00	250.00
4/01/00	250	59.00	70.00	.00	250.00
4/08/00	250	59.00	70.00	.00	250.00
4/15/00	250	59.00	70.00	.00	250.00
4/22/00	250	59.00	70.00	.00	250.00
4/29/00	250	59.00	70.00	.00	250.00
5/06/00	250	59.00	70.00	.00	250.00
5/13/00	250	59.00	70.00	.00	250.00
5/20/00	250	59.00	70.00	.00	250.00
6/10/00	250	59.00	70.00	.00	250.00
6/17/00	250	59.00	70.00	.00	250.00
6/24/00	250	52.00	70.00	.00	250.00
7/01/00	250	59.00	70.00	.00	250.00

TOTAL OVERPAYMENT INCLUDING FINES

Exhibit A p2

Garnishment and/or income tax amounts withheld were paid to other government agencies under your name and social security number. We cannot recoup this money from the courts or the Internal Revenue Service once it has been withheld. You are liable to this agency for these amounts. Income tax amounts can be returned only to you as part of your federal income tax refund.

LMAP470 R100
OFFICE 0988

NJDOL - LOOPS
COD INQUIRY

12/30/03 12/30/03
LAKCOP2 14:21:15

SSN: 147-66-4738

NAME: BODTMANN/ROBERT J

COD DATE SETUP	COD DATE FILED	COD AMOUNT	DOCKET #	DATE WARRANT OF SATISFACTION
10/26/02	12/09/02	6,875.00	0000028895502	
12/23/94	05/07/96	5,552.00	0001047919600	03/01/99

335-ALL CDS DISPLAYED
01-PROMPT

02-CLAIMANT

CLC:

LMAP455 R100

OFFICE 0988

NJDOJ - LOOPS

REFUND INQUIRY

06/10/05 06/10/05

LAKDOLA 15:10:54

SSN: 147-66-4738 PC: 10 DOC: 01/30/00

DATE SETUP: 04/24/02

NAME: BODTMANN/ROBERT J

REFUND STATUS: 00

-----REFUND PRINCIPAL-----

	FRAUD	NON FRAUD	AGENCY	FINES	INTEREST	TOTAL
DUE:	5,500.00	.00	.00	1,375.00	149.40	7,024.40
PAID:	2,415.00	.00	.00	.00	.00	2,415.00
BAL:	3,085.00	.00	.00	1,375.00	149.40	4,609.40

REFUND SATISFIED:

DETECTION CODE:

301

LAST B-189:

04/24/02

LAST PAYMENT DATE:

06/10/05

FLG WRITEOFF:

DISQUAL START DATE:

04/24/02

WRITEOFF/WAIVER:

DISQUAL END DATE:

04/23/03

COD AMOUNT:

6,875.00

CRIMINAL PROS IND:

0

COD POTENTIAL AMT:

.00

CRIMINAL PROS DATE:

APPEAL REASON:

FEIN:

DETERMINATION:

EMP NAME: MONMOUTH MAINT SERVICE

01-PROMPT

02-CLAIMANT

04-PAYMENT

06-CWE

CLC:

Exhibit C